

Peru's new press law protects military junta

By Steve Harrison

LIMA, Peru
Criticism gets under the military hide like the chiggers in their jackboots.

The Peruvian military junta decreed a Statute of Press Freedom to get rid of the annoying itch. The new press law calls for fines and imprisonment of editors and writers who violate a long list of sins.

This does not mean, however, that the regime headed by Gen. Juan Velasco has lost its sense of humor.

On December 30, the day the junta sprang the law, a reporter asked Gen. Velasco for his choice of Man of the Year.

"The journalist, the good journalist," the president replied, according to a quote on Page 1 of *El Peruano*, the official gazette.

Ever since deposing President Fernando Belaunde on October 3, 1968, the military junta has said it respects press freedom. But from time to time it would issue warnings to "bad journalists."

Periodicals Suspended

Within a month in power the junta suspended publication of the daily tabloids *Expreso* and *Extra* (whose president is Manuel Ulloa, Belaunde's finance minister now in exile); the bi-weekly magazine *Caretas* edited by Doris Gibson and her son, Enrique Zileri; and two Lima radio stations. They all returned to business within 15 days.

"I am not an enemy of journalism," Peru's interior (police) minister, Gen. Armando Artola, confided after packing Zileri onto a jet to Lisbon. The government deported Zileri after *Caretas* described some cabinet ministers as center-leftists and statist-minded. Eventually the generals let Zileri return home.

Gen. Artola once became so riled about alleged misquotes of his statements that he said henceforth he would give them

only in writing. Eventually that decision went by the wayside, and the reading public could again chuckle over his spoken words.

Blood on 'freedom'

The new law is drawing shouts of anger and alarm from all of Peru's press. Even the APRA party paper *La Tribuna* said in an editorial that for once it could agree on something with its arch foe *El Comercio*. *El Comercio* lent nationalistic support to the Velasco regime until the press law came out, but attacked the law as harshly as the other papers.

Ojo, a morning tab, printed a full front page with the words "Libertad de Prensa." Smeared over the words, meaning "Press Freedom," was a blood-red X.

Opposing journalistic groups, La Asociación Nacional de Periodistas and the Federación de Periodistas del Perú both announced they would present writs of habeas corpus against the press decree. Peru's bar associations and almost all political parties went on record as opposing the new law as unconstitutional.

Elsa Arana Freire, editor of *La Prensa's* 7 Dias Sunday supplement, resigned her job in protest. Miss Arana, 1969 winner of a María Moors Cabot award, former Lima correspondent for the Spanish-language magazine *Visión* and citizen of Bolivia, would have lost her job under the new law. Only native-born Peruvian citizens may own shares or serve as managing editors (directores) of publications.

The law applies to radio and television stations, as well as to newspapers and magazines.

Several editorials praised this step to "Peruvianize" the communications industry. (They neglected to recall that some leading Latin American journals were owned or founded by foreigners.)

Major provisions

These are some of the law's major provisions:

— "Freedom of expression will not be abridged except in respect for the truth, morals and demands of Integral Security of the State and National Defense, and the safeguard of

personal and family honor and privacy."

— Only native-born Peruvian citizens residing in Peru at least six months out of a year may own shares in journalistic firms.

— Twice yearly the firms must publish stockholders' names and the amount they own.

— Managing editors (directors) must be native-born Peruvian citizens.

— Letters to the editor and public-interest advertisements must carry full identification of their authors.

— Any person or legally-recognized entity (juridic person) may demand a published clarification or retraction if he feels harmed by published written or graphic news (photos and cartoons). The law provides a speedy court process for this requirement and fines for non-compliance.

— The person denouncing the transfer of shares to foreigners will get 40 percent of them as a bounty and the firm's labor union will get 60 percent. If no labor union exists, an employees' cooperative will be formed.

— The law sets fines for non-compliance with many provisions, including the mandatory publication of official communications. An editor who refuses to publish the communiques faces a fine of 100,000 soles, worth \$2,300 at the January 1 rate of exchange.

Article 27

Article 27 carries the snaggle-toothed "crimes against freedom of the press" and the penalties.

— Naming figureheads to represent foreign shareholders. Minimum penalty, three months imprisonment and the loss of shares.

— Non-compliance with a court order to publish a clarification or retraction (written by the aggrieved). Minimum, three months imprisonment of the managing editor.

— Imputing an act, quality or conduct to a person (natural or juridic) which prejudices his honor or reputation. The editor or writer faces a minimum of four months imprisonment and fine from 10,000 to 50,000 soles (\$230 to \$1,115) or six months

and \$460 to \$2,300 if the aggrieved is an authority, public body or official institution. No penalty if the accused completely proves the truth of his statements.

The newsman loses the right to work as a journalist until he pays the fine.

— Publishing false documents or seriously misquoting someone. Minimum of three months imprisonment.

"An editor can go to Lurigancho (Lima's prison) because, for example, he printed a mistaken story about a chicken theft," *Ojo* said.

— Publishing official secret documents, editorials or articles that prejudice Integral Security of the State and National Defense. The editor or writer would face a minimum of one year in prison.

— Publishing articles or pictures that give needlessly lewd descriptions or use obscene words. Fine of \$230 to \$1,115.

— Publishing advertisements that endanger the monetary and/or economic stability of Peru. The editor must pay a fine ten times the ad's value.

Ban foreign papers

The Statute of Press Freedom empowers the government to ban the entry of foreign publications that harm "the prestige of the State Powers and national institutions and economy."

In December, Peru's military banned the entry of *Visión*. President Velasco had his secretary reject a protest over the matter sent by James S. Copley, president of the Inter American Press Association.

A recent editorial in *La Prensa* of Buenos Aires said the *Visión* article which apparently riled the military here did not carry "even the slightest attack on the Military Junta, nor any commentary upon what it does or does not do." *La Prensa* said *Visión* reported a rumored split in the military cabinet over a contract the regime was hammering out with Southern Peru Copper Corp.

Visión and other periodicals, however, had entered Peru carrying ads for such investments as mutual funds. For months the Peruvian nationalists have criticized these ads, saying that they drain away the nation's savings. Since many publications carry these ads, the threat of a ban now hangs over them.

Native ownership

The extent to which foreign- or non-resident Peruvians own interests in journalistic

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firms here was not immediately known.

An American from Chicago, C. N. Griffls, has published the *Peruvian Times* in English weekly since about 1912. His son, Donald, who manages the journal, can not determine if it will survive the new law.

The publisher of a Chinese-language newspaper said he was now considering shutting down.

Under the law, foreign owners had 180 days from December 30 to sell out to native-born Peruvian citizens.

Also in doubt is the fate of *Expreso* and *Extra*. Their president, Manuel Ulloa, remains in exile. Thus, he cannot fulfill the six-months residency requirement.

Sources in the U.S. Embassy said they think that foreigners own shares in some Peruvian radio and television stations.

Many newsmen and some of his acquaintances suspect that Augusto Zimmerman wrote the new press law, although he denied it. Until late 1969 Zimmerman had written editorials for *El Comercio*, while serving Gen. Velasco as an advisor. The government has named him head of the official Oficina Nacional de Informacion (ONI). Zimmerman said a palace council drafted the decree, which carries the names of the entire military cabinet.

Some exemptions

He added that small, foreign-language publications should not worry, and that a clause would be added to exempt them. He said that the provisions on foreign ownership were needed "because *la Southern* might have bought itself a newspaper." Southern Peru Copper Corp. finally signed a \$355 million contract with the junta to develop

deposit.

Zimmerman said stringent provisions against libel were needed, citing the case of leftist humorist Sofocleto, who has fought a word battle in Lima papers with Christian Democrat politician Hector Cornejo Chavez. Sofocleto finally passed up Cornejo's challenge to a duel.

Lawyers, meanwhile, say that Peru's Penal Code adequately covered journalistic offenses, and that the new law will only confuse matters with its vague wording.

In a gesture aimed at quieting some of the criticism, the Government amended the press law to provide that the Supreme Court shall interpret it in line with "the truth, morality and needs of integral state security and national defense."

All this may be meaningless, some journalists point out, because the Government appoints the judges.